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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   RICHARD OWENS,   1:12-cv-1829-GSA (HC)

12   Petitioner,   ORDER TRANSFERRING CASE TO THE
                                                  UNITED STATES DISTRICT COURT FOR
13   vs.   THE CENTRAL DISTRICT OF
                                                  CALIFORNIA
14   DONNELLY,

15   Respondent.

16   _____/

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18   Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28

19   U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

20   The federal venue statute requires that a civil action, other than one based on diversity

21   jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants

22   reside in the same state, (2) a judicial district in which a substantial part of the events or omissions

23   giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is

24   situated, or (3) a judicial district in which any defendant may be found, if there is no district in which

25   the action may otherwise be brought." 28 U.S.C. § 1391(b).

26   In this case, the petitioner is challenging a Rules Violation Report issued in Lancaster State

27   Prison, which is also where Petitioner is incarcerated. Lancaster State Prison is located in the Central

28   District of California. Therefore, the petition should have been filed in the United States District Court

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1   for the Central District of California. In the interest of justice, a federal court may transfer a case filed

2   in the wrong district to the correct district. <u>See</u> 28 U.S.C. § 1406(a); <u>Starnes v. McGuire</u>, 512 F.2d 918,

3   932 (D.C. Cir. 1974).

4   Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States

5   District Court for the Central District of California.

6   IT IS SO ORDERED.

7   **Dated: November 27, 2012**   **/s/ Gary S. Austin**
                                            UNITED STATES MAGISTRATE JUDGE

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